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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,378	01/27/2004	Mark S. Secrist	200313705-1	1596
22879 7590 08/06/2010 HEWLETT-PACKARD COMPANY Intellectual Property Administration 3404 E. Harmony Road Mail Stop 35 FORT COLLINS, CO 80528				
EXAMINER HASSAN, RASHEDUL				
ART UNIT 2179		PAPER NUMBER		
NOTIFICATION DATE 08/06/2010		DELIVERY MODE ELECTRONIC		

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/765,378
Filing Date: January 27, 2004
Appellant(s): SECRIST ET AL.

Jody C. Bishop
For Appellant

EXAMINER'S ANSWER

This is in response to the Administrative Remand to Examiner, dated 07/08/2010, and to the appeal brief filed 04/03/2008 appealing from the Office action mailed 08/03/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

NEW GROUND(S) OF REJECTION

Claims 21-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,327,628

Anuff et al.

12-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 21-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 21-25 invokes 35 U.S.C. 112, sixth paragraph. However, the written description of the specification does not provide sufficient disclosure of structure or material for performing the claimed functions. For instance,

Claim 21 recites:

*A system for adapting a Web application to a portal application
comprising:*

means for adding one or more Web application components to said portal application;

(Regarding the above "means", the specification in paragraph [0023] mentions, "A developer would generally move the components over to a portal platform". Therefore, the specification fails to point out sufficient structure or material as the "means" for performing the functions claimed, except the developer. However, a person can not be considered as sufficient structure or material for performing the claimed function for a system claim.)

means for generating a plurality of portlets within said portal application, wherein each of said plurality includes a view for said one or more Web application components;

(Regarding the above "means", the specification in paragraph [0023] mentions "For each of the components moved, the developer would write code for a portlet. The portlets provide the display space for the information". Therefore, the specification fails to point out sufficient structure or material as the "means" for performing the functions claimed, except the developer. However, a person can not be considered as sufficient structure or material for performing the claimed function for a system claim.)

means for defining at least one Web flow relationship representing interactions between said one or more Web application components; and

(Regarding the above "means", the specification in paragraph [0023] mentions "As described above with respect to FIGURE 2, the developer would then select and write

code to handle the Web flow for interactions within the portlets and then convert the particular Web flow elements to at least one event that corresponds to the interactions that may occur within the portlets...". Therefore, the specification fails to point out sufficient structure or material as the "means" for performing the functions claimed, except the developer. However, a person can not be considered as sufficient structure or material for performing the claimed function for a system claim.)

means for converting said at least one Web flow relationship into at least one interaction event, defined within said plurality of portlets, wherein said at least one interaction event corresponds to said interactions.

(Regarding the above "means", the specification in paragraph [0023] mentions "As described above with respect to FIGURE 2, the developer would then select and write code to handle the Web flow for interactions within the portlets and then convert the particular Web flow elements to at least one event that corresponds to the interactions that may occur within the portlets...". Therefore, the specification fails to point out sufficient structure or material as the "means" for performing the functions claimed, except the developer. However, a person can not be considered as sufficient structure or material for performing the claimed function for a system claim.)

Claim 22 recites:

The system of claim 21 further comprising:

*means for creating a customization interface for obtaining
customization information from a user,*

(Regarding the above "means", the specification in paragraph [0024] mentions "Depending on the application or content being offered by the portal, the developer may select the level of customization or personalization to allow in the portal and implement the selected customization through appropriate computer code. In step 400, a customization application is coded by the developer to interact with the user to obtain customization information" (emphasis added). Therefore, the specification fails to point out sufficient structure or material as the "means" for performing the functions claimed, except the developer. However, a person can not be considered as sufficient structure or material for performing the claimed function for a system claim.)

Claim 23 recites:

The system of claim 22 further comprising:

*means for generating a storage utility to store said customization
information in said portal application.*

(Regarding the above "means", the specification in paragraph [0024] mentions "This information may then be stored in step 402 by defining a storage utility in the appropriate underlying computer code for storing the information obtained from the user in the portal framework". The specification as shown above mentions "defining a

storage utility in the appropriate underlying computer code". The question is, what is the means for "generating a storage utility"? Is it the developer who is generating the underlying computer code, or is it the "appropriate underlying computer code"? Therefore, Applicants failed to clearly link or associate the disclosed structure or material to the claimed function. Additionally, neither a developer nor mere mentioning of "appropriate underlying computer code" without providing some detail/algorithm about the code is considered to be sufficient structure or material to satisfy the requirements of 35 U.S.C. 112, second paragraph.)

Claim 24 recites:

The system of claim 21 further comprising:

means for modifying business logic of said one or more Web application components to return output as a data-descriptive meta language document.

(Regarding the above "means", the specification in paragraph [0025] mentions "Additionally or alternatively, a developer may select a certain level or procedure to separate the business logic end from the presentation logic end and implement the selected separation in the code structure of the portal. In one embodiment illustrated by step 403, the business logic is modified to return its output as extensible markup language (XML) documents." The question is, what is the means for "modifying the business logic"? Is it the developer who "implement(s) the selected separation in the

code structure of the portal", or is it the "code structure"? Therefore, Applicants failed to clearly link or associate the disclosed structure or material to the claimed function.

Additionally, neither a developer nor mere mentioning of mere "code structure" without providing some detail/algorithm about the code, is considered to be sufficient structure or material to satisfy the requirements of 35 U.S.C. 112, second paragraph.)

Claim 25 recites:

The system of claim 21 further comprising:

means for creating a service interface to search a plurality of Web services; and

(Regarding the above "means", the specification in paragraph [0026] mentions "Additionally or alternatively to the modification of the existing business logic, client components may be created using appropriate code designed by the developer in step 404 for locating Web services to provide the business logic to the portal." The question is, what is the means for "creating a service interface"? Is it the developer who is generating the appropriate code, or is it the "appropriate code"? Therefore, Applicants failed to clearly link or associate the disclosed structure or material to the claimed function. Additionally, neither a developer nor mere mentioning of "appropriate code" without providing some detail/algorithm about the code, is considered to be sufficient structure or material to satisfy the requirements of 35 U.S.C. 112, second paragraph.)

means for coding said service interface to select one or more of said plurality of Web services to provide business logic to said portal application.

(Regarding the above "means for coding", it is reasonable to believe that only the developer is the "means for coding". In other words, software does not "code", but a developer is the one who codes. However, a person can not be considered as sufficient structure or material for performing the claimed function for a system claim.)

Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Anuff et al. (US 6,327,628) hereinafter Anuff.

For claims 1-5, 7-10, 12-15, 17-20 and 22-25, Anuff teaches a computer implemented system and corresponding method comprising:

determining a construction design for an adapted portal application wherein said determining a construction design includes one or more of:

determining a visual theme of said adapted portal application (determining a visual theme means determining the look and feel of the portal application, column 2 lines 13-16, also subsection 8-8.6); and
determining a format of content for said adapted portal application (content is formatted in a predetermined layout, Abstract and column 2 lines 1-3, also subsection "3.4 page layout");

determining a model for separation or presentation logic and application logic of an existing Web application to be adapted into said portal application (Anuff teaches that the views are the means by which the portal server isolates the presentation logic from the application logic, subsection 3.3.2);

determining a navigation construction for said adapted portal application wherein said determining a navigation construction includes:

retrieving selected information based on an event defined by uniform resource locator (URL) interaction in said Web application (Fig. 2 shows various URLs that are usable to retrieve selected information based on an event such as clicking a URL, also link 22 as mentioned in column 3 lines 52-54);

selecting a level of customization to apply to said adapted portal application wherein said selecting a level of customization comprises one or more of:

presenting an interactive window to obtain customization information from a user (buttons or links 24 in Fig. 2 are used to launch an interactive window that allow the user to personalize the portal, column 3 lines 52-57), wherein said obtained customization information is stored in a portal framework (LDAP directory or SQL database shown in Fig. 3, column 9 lines 30-34, also column 13 lines 25-30); and

retrieving existing login information related to said user for inclusion in content of said adapted portal application (column 9 lines 30-34, also column 13 lines 25-30);

selecting an isolation model for isolating business logic from said adapted portal application wherein said selecting an isolation model comprises one or more of:

modifying said business model to return output as at least one data-descriptive meta language document (column 10 lines 52-62); and
creating a component to connect said adapted portal application to one or more Web services for providing said business logic to said adapted portal application (the server part of the portal server shown in Fig. 3, column 4 lines 16-33); and

employing the determined construction design, the determined model, the determined navigation construction, the selected level of customization, and the selected isolation model for adapting said existing Web application into said portal application in a manner that maintains said existing Web application's functionality within said portal application (implied in the reference since such employment is necessary in order to realize the disclosed portal infrastructure that is intended to maintain the existing Web application's functionality within the modular portal infrastructure but in a streamlined and cost effective manner (c1:40:62).

For claims 6, 11 and 21, Anuff teaches adapting a web application to a portal application comprising:

adding at least one component of said Web application to a portal platform (Fig. 2 shows various components of a web application such as Search, Company Directory, News and Discussion Boards that are added to a portal platform);

creating a plurality of portlets within said portal platform, wherein each of said plurality includes pages representing a view for said at least one component of said Web application (each module displayed on the portal front page as shown in Fig. 2 is a portlet that contains pages representing a view for a particular network resource);

defining at least one Web flow relationship representing interactions between said at least one component of said Web application (defining at least one Web flow relationship is inherent in the reference since there has to be a defined Web flow relationship in order to show the appropriate page based on the user interaction at the portal, Fig. 2); and

converting said at least one Web flow relationship into at least one event, defined within said plurality of portlets, wherein said at least one event corresponds to said interactions (Anuff teaches implementing the defined Web flow relationship by converting it into user selection events such as selecting a link or button in order to display appropriate page based on the selection, Fig. 2).

For claim 16, Anuff further teaches displaying a second user interface to a user for updating the personal login information ("Edit Account" link in Fig. 2).

(10) Response to Argument

Beginning on page 11 of Appellant's brief (hereinafter Brief), Appellant argues specific issues, which are accordingly addressed below. Appellant has elected to group the following claims together and only present arguments for claims 1, 3, 6, 11, 19, 21, and 24. Therefore, the Examiner will present arguments based on the elected groupings.

Independent Claim 1 and Dependent Claims 2 and 4-5

Regarding Claim 1, Appellant mentions, "Anuff fails to teach all elements of claim 1." However, in particular, Appellant argues, "While Anuff proposes a modular portal infrastructure or framework, Anuff fails to address any technique for adapting an existing Web application into the proposed portal infrastructure."

In response to the above arguments, the Final Office Action explained the rationale for the rejection based on an interpretation of the recited "*existing Web application*". The explanation for the rejection provided in the Final Office Action is provided below for the convenience of the reader.

"For claim 1, Applicant argues, 'while Anuff proposes a modular portal infrastructure or framework, Anuff fails to address any technique for adapting an existing Web application into the proposed portal infrastructure' (Applicant's Remarks: p15: 21-23). The Examiner disagrees. It appears that the Applicant relies on the fact that Anuff does not disclose adapting an instance of an implementation of a Web application into a portal infrastructure. The Examiner realizes that Anuff does not explicitly teach a technique that takes coded components, in other words an

instance of an implementation, of a Web application and modify or incorporate those coded components to form corresponding modules to be used in its portal framework, although such modification would have been obvious based on his teachings. But such limitation is not required by the claim as it is drafted at present. A “Web application” as recited in the claim, can reasonably be interpreted, in the broadest reasonable interpretation, to mean a concept of a Web application. For example, just the concept of searching the web with a keyword for retrieving information relevant to the keyword can be broadly referred to as a Web application, even though this concept can be implemented using various different techniques as various different instances of implementation of the Web application. Therefore, “an existing Web application” as recited in the claim can reasonably be interpreted to mean “a known concept of a Web application” and not necessarily be interpreted to be an existing instance of a particular implementation of a Web application. Interpreted as such, claim 1 only requires a method for adapting a known concept of a Web application into a portal infrastructure using the steps recited. Note that the claim does not need that an existing instance of an implementation be present and modified or incorporated or adapted into the portal infrastructure. In other words, the portal infrastructure can be implemented from scratch if needed. Therefore, ‘*an existing Web application to be adapted into said portal application*’ only requires use of a known concept of a Web application and to make it suitable to or fit for a specific use or situation (American Heritage Dictionary defines the word “adapt” as “To make suitable to or fit for a specific use or situation”) by implementing the concept as a portal framework. Such a portal framework is thus an ‘*adapted portal application*’ as recited in claim 1. Anuff teaches a modular portal infrastructure that uses the existing concepts of browser applications (e.g., Web applications such

as web search, company directory search, News etc. as shown in Fig. 2) and adapts those application concepts to meet the desire of today's corporate users 'to have quick access to various resources and data provided by the employer, while at the same time being able to view information provided over the internet, such as news headlines, financial data, and vendor data' (c3:36-39) at once from a single site using a portal infrastructure. Anuff further realizes that the use of a portal infrastructure to adapt existing Web application concepts into a one-site gateway to the Web was not a new concept or technique. He teaches that by the time of his invention 'portals have become popular mechanisms that enable users to access information from multiple different network sites at once' (c3:37-39). Therefore, even the concept of a portal infrastructure itself can be thought of as "an existing Web application" at the time of the invention. Therefore, it can be said that Anuff further teaches a technique for adapting an existing portal Web application into a modular portal infrastructure to make it suitable to or fit for the current organizational need for streamlining the processes involved in offering a feature-rich portal while minimizing the complexity and cost of developing, deploying, administering and continually enhancing portals (c1:40-62). Therefore, Anuff clearly anticipates the claim as pointed out in this Office Action above." See Final Office Action, pages 7-8.

In reply to the above argument from the Examiner, Appellant argues in the Brief, "Examiner's interpretation of an '*existing Web application*' as a known concept of a Web application (which appears to refer to a known functionality that is performed via the Web, such as the concept of performing keyword searching over the Web) is unreasonably broad. The claim language should be interpreted consistent with the specification of the application. That is, the claims are to be given their broadest reasonable interpretation in light of the specification, *see*

M.P.E.P. §2111. "Claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation' ."

M.P.E.P. § 2111.0 1 (II), *quoting In re Marosi*, 710 F.2d 799, 218 USPQ 289 (Fed. Cir. 1983).

Indeed, if read in a vacuum, the word "Web" could be interpreted as a spider web, rather than the well-known computer network referred to as the "Web". Likewise, when properly interpreted in light of its usage in the specification of the present application, "an existing Web application" is not reasonably interpreted as referring to any known function (or concept) that can be performed via the Web." Applicant further cited portions of the instant specification asserting that the limitation "*existing Web application*" when afforded a reasonable interpretation consistent with its use in the specification of the present application is an instance of an implementation of a Web application, rather than a concept of a Web application and asserts that Anuff fails to teach this limitation of claim 1 as conceded by the Examiner in the Final Office Action. See Brief, page 14.

In response to applicant's argument the Examiner notes that MPEP 2111.01 (II) states that the claims are interpreted by the Office (PTO) based on their plain meaning unless such a meaning is inconsistent with the specification. Further, MPEP 2111.01 (III) states that the plain meaning refers to the ordinary and customary meaning given to the term by those of ordinary skill in the art in question at the time of the invention. Based on the above guidance, the Examiner considers the ordinary and customary meaning given to the term "*existing Web application*" by those of ordinary skill in the art in question at the time of the invention would have been "a known concept of a Web application" when considered broadly and such interpretation is not inconsistent with the

disclosure provided in the instant specification, and thus not unreasonable. Therefore the Examiner believes the rejection to be proper.

However, upon further consideration of the reference in question for the preparation of this Answer, the Examiner believes that Anuff in fact teaches adapting an existing Web application into a proposed portal infrastructure even if the terminology "an existing Web application" is interpreted to mean not just a known Web application (i.e., in the form of a concept or knowledge) but an actual instance of a particular implementation of a Web application (i.e., a Web application constructed from a number of Web components appropriately coded by the developer that provide some information or application logic to the user). This is because Anuff teaches that each module within the portal represents a network resource (i.e., a Web application) that can be accessed by a user through the portal (see Abstract). He further mentions, "As will be apparent from the discussion that follows, these resources can be applications, databases, services informational content, e-commerce offerings, and the like, that are available from one or more of the servers 12a-12n. Some of these resources may be provided by the employer (or other provider of the portal), whereas others may come from independent third parties." Emphasis added, see c3:61-c4:1. Elsewhere he again mentions, "One of the significant advantages of the portal framework of the present invention is the fact that the resources that are made available to the user via the modules can come from a variety of third-party sources. Emphasis added, see c10:52-55. Since some of the modules on the portal platform make available to the user resources provided by third parties, it follows that these third party resources represent existing Web applications, since at least these third party resources are not

built from scratch by the portal provider but represents resources that are already provided by third parties. Therefore, by providing access to these third party Web application resources via designing and implementing the modular portal, Anuff teaches a technique for adapting an existing Web application into the proposed portal infrastructure. The notion that Anuff teaches a technique for adapting an existing Web application to the portal platform is further supported by the teaching that the portal is said to be an object-oriented system built on an object model, illustrated in Figs. 4, 6 and 7, using objects built on top of existing objects. Regarding the object model built using object oriented paradigm, Anuff mentions, "Software objects are also extensible: other objects can be built on top of existing objects, allowing the new object to extend the concept of the old object without having to rewrite the functionality". Emphasis added, see c4:54-57. That is, Anuff at least implicitly teaches that the modular portal is built using new module objects which extend the concept of old module objects without having to rewrite the functionality. Additionally, Anuff elsewhere teaches utilizing technology for allowing configuration-data driven resolution of service implementations within the portal server, and mentions, "This allows the portal provider to use existing implementations or define their own, and substitute their chosen implementation into the system without rewriting source code that uses the implementation." Emphasis added, see c5:49-67. It is because Anuff incorporates components of existing Web applications into his portal platform for adapting an existing Web application into the proposed portal infrastructure, that "an entire working portal can be up and running very quickly: in hours or days, rather than weeks or months that were required prior to the invention. Organizations can, at their own pace, change all

aspects of the look-and-feel of the portal, integrate their own content, and use the portal server's development tools to extend out-of-the-box functionality...thereby promoting integration with existing systems and reducing required learning time." See c17:27-37. Referring to Fig. 2 again, none of the modules 26 such as "Bookmarks", "Search", "Company Directory", "News", and "Discussion Boards" represent any novel Web service functionality but are known functionalities in the art at the time of the invention. It would be unreasonable to believe that a person of ordinary skill in the art would rewrite the code for these modules from scratch. In the contrary, a skilled artisan would readily realize that one is more likely to re-use existing codes for developing at least some portions of these modules as part of the modular portal platform. Therefore, the Examiner believes that Anuff teaches a technique for adapting an existing Web application into the proposed portal infrastructure whether the terminology "an existing Web application" is interpreted as mere concept or not.

For claims 2 and 4-5, the Appellant has not provided any additional argument besides what has been already discussed above with respect to claim 1. Therefore, the same argument applies for these claims.

Dependent Claim 3

Dependent claim 3 depends from claim 1. Therefore, the same argument as discussed with respect to claim 1 above also applies to this claim. Appellant further argues, "Anuff further fails to teach creating a new window for information retrieved in

response to a call to a URL from a Web application". See page 15 in the Brief. The Examiner disagrees. Referring to Fig. 2, Anuff shows portlets, i.e., modules 26, with titles "Bookmarks", "Search", "Company Directory", "News" and "Discussion Boards". Each of these modules either alone or in combination has been relied upon as "*said Web application*" recited in the claim (see the discussion with respect to claim 1 above). The illustration of Fig. 2 shows a "Portal Front Page" 18 (see c3:44-45). This "Portal Front Page" is also illustrated in the object model of Fig. 4. As shown, a module window corresponds to a "View" object in the object model of Fig. 4. Now referring to section 3.3.2 Views, Anuff teaches, "Examples of views are the front page of a portal, where a module is displayed within a box or other graphical region (as shown in Fig. 2);" (see c6:51-54). He further mentions, "A new view object is created for each HTTP request." (see c6:57-58). From the above description, it is apparent that a "View" object corresponds to a "window" containing the module 26 of the Portal Front Page as illustrated in Fig. 2. Also, it is implicit in the reference that the news headlines displayed in the News module in Fig. 2 are URLs. Now based on the teaching that by interacting with any one of these modules, the user can access the information or services provided by that module, and by clicking on a headline in the "News" module, the user can be presented with the full text of the news story to which that headline pertains (see c4:1-5), it is apparent that Anuff teaches retrieving information in response to a call to a URL from a Web application. Furthermore, since it is well known that a URL call generates an HTTP request (also shown as HTTP Connection in Fig. 12), and the explicit teaching "a new view (i.e., a window) object is created for each HTTP request" (see c6:57-58), it follows

that Anuff teaches "creating a new window for information retrieved in response to a call to a URL from a Web application".

Independent Claim 6 and Dependent Claims 7-10

Regarding claim 6, Appellant mentions, "Anuff fails to teach all elements of claim 6". In particular, Appellant argues, "While Anuff proposes a modular portal infrastructure or framework, Anuff fails to address any technique for adapting an existing Web application into the proposed portal infrastructure. Thus, Anuff fails to disclose a method for 'adapting a Web application to a portal application' in the manner recited by claim 6." This appears to be the same argument that Appellant has argued for claim 1. Therefore, the Examiner disagrees for the same reasoning as explained above with respect to claim 1. For the sake of brevity, the same argument discussed with respect to claim 1 is not repeated here. However, the Examiner would like to point out that claim 6 does not even recite the limitation "existing Web application" which was recited in claim 1, but only recites "a Web application". Appellant argues, "Indeed, claim 6 expressly recites that the Web application has at least one component, and a Web flow relationship is defined representing interactions between said at least one component of said Web application...Accordingly, interpretation such as an existing Web application as a known concept (or function) of the web is particularly unreasonably broad with regard to claim 6, which expressly recites that the Web application comprises at least one component." See page 17 in the Brief. The Examiner disagrees. The limitation "*at least one component of said Web application*" does not necessarily require that the component is a coded component. Therefore, the limitation

"adding at least one component of said Web application to a portal platform" can reasonably be interpreted to require that the functionality of at least one component of a known Web application is provided via a portal platform, even if the Web application is not implemented with components appropriately coded by developers, but exists merely in conceptual form as prior art knowledge of a skilled artisan. Anuff clearly teaches this. As already mentioned above in the response to the argument with respect to claim 1, Anuff realizes that the use of a portal infrastructure to consolidate existing Web applications into a one-site gateway to the Web was not a new concept or technique. He teaches that by the time of his invention 'portals have become popular mechanisms that enable users to access information from multiple different network sites at once' (c3:37-39). Therefore, even the concept of a portal infrastructure itself can be thought of as "a Web application" existing at the time of the invention. Anuff in fact teaches an improvement over the existing portal architecture. Therefore, it can be said that Anuff further teaches a technique for adapting an existing portal Web application into a modular portal infrastructure to make it suitable to or fit for the current organizational need for streamlining the processes involved in offering a feature-rich portal while minimizing the complexity and cost of developing, deploying, administering and continually enhancing portals (c1:40-62). In other words, referring to the Portal Front Page 18 illustrated in Fig. 2, one skilled in the art will readily realize that the resources such as "Bookmarks", "Search", "Company Directory", "News", and "Discussion Boards" can very well be based on components from an existing portal application (i.e., *at least one component of said Web application*), wherein the portal application is not modularized according to the

technique espoused by Anuff. The existing portal application and corresponding components can exist physically as appropriately coded by developers or can exist in the form of mere conception or prior art knowledge of a skilled artisan. However, Anuff teaches a portal that incorporates these components as independent modules so that they can be readily and independently updated by the entities who provide them, without affecting other features of the portal (see c2:9-12). Such incorporation, no matter how it is implemented, amounts to *"adding at least one component of said Web application to a portal platform"* as claimed.

However, upon further consideration of the reference in question for the preparation of this Answer, the Examiner believes that Anuff in fact at least implicitly teaches *"adding at least one component of said Web application to a portal platform"* even if the terminology "Web application" is interpreted to mean not just a known Web application (i.e., in the form of a concept or knowledge) but an actual instance of a particular implementation of a Web application (i.e., a Web application constructed from a number of Web components appropriately coded by the developer that provide some information or application logic to the user). This is because Anuff teaches that each module within the portal represents a network resource that can be accessed by a user through the portal (see Abstract). He further mentions, "As will be apparent from the discussion that follows, these resources can be applications, databases, services informational content, e-commerce offerings, and the like, that are available from one or more of the servers 12a-12n. Some of these resources may be provided by the employer (or other provider of the portal), whereas others may come from independent third parties." Emphasis added, see

c3:61-c4:1. Elsewhere he again mentions, "One of the significant advantages of the portal framework of the present invention is the fact that the resources that are made available to the user via the modules can come from a variety of third-party sources. Emphasis added, see c10:52-55. Since some of the modules on the portal platform make available to the user resources provided by third parties, it follows that these third party resources represent existing Web applications, since at least these third party resources are not built from scratch by the portal provider but represents resources that are already provided by third parties. Therefore, by providing access to these third party Web application resources, which can very well exist as components of prior art portal application, via designing and implementing the modular portal, Anuff teaches a technique for adapting an existing Web application into the proposed portal infrastructure. The notion that Anuff teaches adding at least one component of an existing Web application to the portal platform is further supported by the teaching that the portal is said to be an object-oriented system built on an object model, illustrated in Figs. 4, 6 and 7, using objects built on top of existing objects. Regarding the object model built using object oriented paradigm, Anuff mentions, "Software objects are also extensible: other objects can be built on top of existing objects, allowing the new object to extend the concept of the old object without having to rewrite the functionality". Emphasis added, see c4:54-57. That is, Anuff at least implicitly teaches that the modular portal is built using new module objects which extend the concept of old module objects without having to rewrite the functionality. Additionally, Anuff elsewhere teaches utilizing technology for allowing configuration-data driven resolution of service implementations within the portal server, and mentions,

"This allows the portal provider to use existing implementations or define their own, and substitute their chosen implementation into the system without rewriting source code that uses the implementation." Emphasis added, see c5:49-67. Therefore, Anuff clearly teaches reuse of existing components of a Web application in implementing his modular portal infrastructure. It is because Anuff incorporates components of existing Web applications into his portal platform for adapting an existing Web application into the proposed portal infrastructure, that "an entire working portal can be up and running very quickly: in hours or days, rather than weeks or months that were required prior to the invention. Organizations can, at their own pace, change all aspects of the look-and-feel of the portal, integrate their own content, and use the portal server's development tools to extend out-of-the-box functionality...thereby promoting integration with existing systems and reducing required learning time." See c17:27-37. Referring to Fig. 2 again, none of the modules 26 such as "Bookmarks", "Search", "Company Directory", "News", and "Discussion Boards" represent any novel functionality but are known functionalities in the art at the time of the invention. It would be unreasonable to believe that a person of ordinary skill in the art would rewrite the code for these modules from scratch. In the contrary, a skilled artisan would readily realize that one is more likely to re-use existing codes for developing at least some portions of these modules as part of the modular portal platform. Thus the Examiner concludes that Anuff teaches a technique for adapting a Web application to a portal application by adding at least one component of said Web application to a portal platform.

Appellant further argues that Anuff fails to teach "*defining at least one Web flow relationship representing interactions between said at least one component of said Web application; and converting said at least one Web flow relationship into at least one event, defined within said plurality of portlets, wherein said at least one event corresponds to said interactions.*" See page 16 in the Brief. Regarding this limitation of claim 6, the Final Office Action explained, "defining at least one Web flow relationship is inherent in the reference since there has to be a defined Web flow relationship in order to show the appropriate page based on the user interaction at the portal. Anuff teaches implementing the defined Web flow relationship by converting it into user selection events such as selecting a link or button in order to display appropriate page based on the selection. See pages 5-6 of the Final Office Action. Appellant argues, "However, this appears to focus on the proposed functionality of a given module that is implemented within Anuff's portal framework, rather than a process for adapting an existing Web application into the portal (e.g., into the given module). For instance, while the operation of a given module within Anuff's portal may support a certain flow of interaction with a user by enabling the user to click on a hyperlink, etc., Anuff fails to disclose defining a Web flow relationship for a Web application and converting such relationship into an event defined in a portlet of a portal in order to adapt a Web application into such portal (e.g., in order to adapt a Web application into a module). Indeed, the module of Anuff may be created from scratch, rather than attempting to adapt an existing Web application into such modules, as Anuff provides no disclosure of any such adapting of an existing Web application into its portal framework." See page 17 in the Brief. In response the Examiner contends that since the modules within Anuff's portal infrastructure supports certain flow of interaction with a

user by enabling a user to click on a hyperlink, this implies that the implementation of such flow of interaction necessarily requires that the Web flow relationship representing the interaction is defined first at the design or planning stage of development of such a portal platform. For further clarification, Anuff teaches the limitation "*defining at least one Web flow relationship representing interactions between said at least one component of said Web application*" by defining ways or a model of interactions between the user and a component at design stage of development, i.e., defining how a user is to interact with a component in order to access its service, and teaches the limitation "*converting said at least one Web flow relationship into at least one event, defined within said plurality of portlets, wherein said at least one event corresponds to said interactions*" by implementing the defined model of interaction into user selection events such as selecting a link or button in order to display appropriate page based on the selection. Such teaching can be found illustrated as Object Models in Fig. 4, 6 and 7 for designing the portal infrastructure and additionally or in the alternative deemed inherent in the reference.

For claims 7-10, Appellant has not provided any additional argument besides what has been already discussed above with respect to claim 6. Therefore, the same argument applies for these claims.

Independent Claim 11 and Dependent Claims 12-18 and 20

Regarding claim 11, Appellant mentions, "Anuff fails to teach all elements of claim 11". In particular, Appellant argues, "While Anuff proposes a modular portal infrastructure or

framework, Anuff fails to address any technique for converting a Web application into the proposed portal infrastructure. Thus, Anuff fails to disclose a method for 'converting a Web application to a portal application' in the manner recited by claim 11." This appears to be the same argument that Appellant has argued for claim 1. The terminology "*converting*" used in the claim is considered synonymous to the terminology "*adapting*" used in claim 1 in the context of the invention. Therefore, the Examiner disagrees for the same reasoning as explained above with respect to claim 1. For the sake of brevity, the same argument discussed with respect to claim 1 is not repeated here. However, the Examiner would like to point out that claim 11 does not even recite the limitation "existing Web application" which was recited in claim 1, but only recites "a Web application". Appellant argues, "Further, the method of claim 11 for so converting a Web application into a portal application recites, in part, 'moving Web components from said Web application into a portal framework corresponding to said portal application'. Anuff fails to disclose at least this step of the method...While Anuff discloses modules, Anuff does not disclose that adapting a web application to such a module includes moving Web components from said Web application into a portal framework (e.g., module) as recited by claim 11." See page 18 in the Brief. The Examiner disagrees. The limitation "*moving Web components from said Web application into a portal framework corresponding to said portal application*" does not necessarily require that the components are coded components and such coded components are physically ported or copied to a portal platform. The limitation "*moving Web components from said Web application into a portal framework corresponding to said portal application*" can reasonably be interpreted to require providing functionalities that belongs to, or

corresponds to a known Web application from within a portal platform, even if the Web application is not implemented with components appropriately coded by developers, but exists merely in conceptual form as prior art knowledge of a skilled artisan. Anuff clearly teaches this. As already mentioned above in the response to the argument with respect to claim 1, Anuff realizes that the use of a portal infrastructure to consolidate existing Web applications into a one-site gateway to the Web was not a new concept or technique. He teaches that by the time of his invention 'portals have become popular mechanisms that enable users to access information from multiple different network sites at once' (c3:37-39). Therefore, even the concept of a portal infrastructure itself can be thought of as "a Web application" existing at the time of the invention. Anuff in fact teaches an improvement over the existing portal architecture. Therefore, it can be said that Anuff further teaches a technique for adapting an existing portal Web application into a modular portal infrastructure to make it suitable to or fit for the current organizational need for streamlining the processes involved in offering a feature-rich portal while minimizing the complexity and cost of developing, deploying, administering and continually enhancing portals (c1:40-62). In other words, referring to the Portal Front Page 18 illustrated in Fig. 2, one skilled in the art will readily realize that the resources such as "Bookmarks", "Search", "Company Directory", "News", and "Discussion Boards" can be components from an existing portal application (i.e., *Web components from said Web application*), wherein the portal application is not modularized according to the technique espoused by Anuff. The existing portal application and corresponding components can exist physically as appropriately coded by developers or

can exist in the form of mere conception or prior art knowledge of a skilled artisan. However, Anuff teaches a portal that incorporates these components as independent modules so that they can be readily and independently updated by the entities who provide them, without affecting other features of the portal (see c2:9-12). Such incorporation, no matter how it is implemented, amounts to *“moving Web components from said Web application into a portal framework”* as claimed.

However, upon further consideration of the reference in question for the preparation of this Answer, the Examiner believes that Anuff in fact at least implicitly teaches *“moving Web components from said Web application into a portal framework corresponding to said portal application”* even if the terminology “Web application” is interpreted to mean not just a known Web application (i.e., in the form of a concept or knowledge) but an actual instance of a particular implementation of a Web application (i.e., a Web application constructed from a number of Web components appropriately coded by the developer that provide some information or application logic to the user), and “moving the Web components” is interpreted to necessarily require that the components are coded components and such coded components are physically ported or copied to a portal platform. This is because Anuff teaches that each module within the portal represents a network resource that can be accessed by a user through the portal (see Abstract). He further mentions, “As will be apparent from the discussion that follows, these resources can be applications, databases, services informational content, e-commerce offerings, and the like, that are available from one or more of the servers 12a-12n. Some of these resources may be provided by the employer (or other provider of the portal),

whereas others may come from independent third parties.” Emphasis added, see c3:61-c4:1.

Elsewhere he again mentions, “One of the significant advantages of the portal framework of the present invention is the fact that the resources that are made available to the user via the modules can come from a variety of third-party sources.” Emphasis added, see c10:52-55.

Since some of the modules on the portal platform make available to the user resources provided by third parties, it follows that these third party resources represent existing Web applications, since at least these third party resources are not built from scratch by the portal provider but represents resources that are already provided by third parties.

Therefore, by providing access to these third party Web application resources, which can very well exist as components of prior art portal application, via designing and implementing the modular portal, Anuff teaches a technique for adapting an existing Web application into the proposed portal infrastructure. The notion that Anuff teaches moving Web components of an existing Web application to the portal platform is further supported by the teaching that the portal is said to be an object-oriented system built on an object model, illustrated in Figs. 4, 6 and 7, using objects built on top of existing objects. Regarding the object model built using object oriented paradigm, Anuff mentions, “Software objects are also extensible: other objects can be built on top of existing objects, allowing the new object to extend the concept of the old object without having to rewrite the functionality”. Emphasis added, see c4:54-57. That is, Anuff at least implicitly teaches that the modular portal is built using new module objects which extend the concept of old module objects without having to rewrite the functionality. Additionally, Anuff elsewhere teaches utilizing technology for allowing configuration-data driven

resolution of service implementations within the portal server, and mentions, "This allows the portal provider to use existing implementations or define their own, and substitute their chosen implementation into the system without rewriting source code that uses the implementation." Emphasis added, see c5:49-67. Therefore, Anuff clearly teaches reuse of existing components of a Web application in implementing his modular portal infrastructure. It is because Anuff incorporates components of existing Web applications into his portal platform for adapting an existing Web application into the proposed portal infrastructure, that "an entire working portal can be up and running very quickly: in hours or days, rather than weeks or months that were required prior to the invention. Organizations can, at their own pace, change all aspects of the look-and-feel of the portal, integrate their own content, and use the portal server's development tools to extend out-of-the-box functionality...thereby promoting integration with existing systems and reducing required learning time." See c17:27-37. Referring to Fig. 2 again, none of the modules 26 such as "Bookmarks", "Search", "Company Directory", "News", and "Discussion Boards" represent any novel web service functionality but are known functionalities in the art at the time of the invention. It would be unreasonable to believe that a person of ordinary skill in the art would rewrite the code for these modules from scratch. In the contrary, a skilled artisan would readily realize that one is more likely to re-use existing codes for developing at least some portions of these modules as part of the modular portal platform. Thus the Examiner concludes that Anuff teaches a technique for converting a Web application into a portal application by moving Web components from said Web application into a portal framework corresponding to said portal application.

For claims 12-18 and 20, Appellant has not provided any additional argument besides what has been already discussed above with respect to claim 11. Therefore, the same argument applies for these claims.

Dependent Claim 19

Dependent claim 19 depends from claim 11. Therefore, the same argument as discussed with respect to claim 11 above also applies to this claim. Appellant further argues, "Anuff further fails to teach creating a new window for information retrieved in response to a call to a URL from a Web application". See page 19 in the Brief. The Examiner disagrees. Referring to Fig. 2, Anuff shows portlets, i.e., modules 26, with titles "Bookmarks", "Search", "Company Directory", "News" and "Discussion Boards". Each of these modules either alone or in combination has been relied upon as "*said Web application*" recited in the claim (see the discussion with respect to claim 11 above). The illustration of Fig. 2 shows a "Portal Front Page" 18 (see c3:44-45). This "Portal Front Page" is also illustrated in the object model of Fig. 4. As shown, a module window corresponds to a "View" object in the object model of Fig. 4. Now referring to section 3.3.2 Views, Anuff teaches, "Examples of views are the front page of a portal, where a module is displayed within a box or other graphical region (as shown in Fig. 2);" (see c6:51-54). He further mentions, "A new view object is created for each HTTP request." (see c6:57-58). From the above description, it is apparent that a "View" object corresponds to a "window" containing the module 26 of the Portal Front Page as illustrated in Fig. 2. Also,

it is implicit in the reference that the news headlines displayed in the News module in Fig. 2 are URLs. Now based on the teaching that by interacting with any one of these modules, the user can access the information or services provided by that module, and by clicking on a headline in the "News" module, the user can be presented with the full text of the news story to which that headline pertains (see c4:1-5), it is apparent that Anuff teaches retrieving information in response to a call to a URL from a Web application. Furthermore, since it is well known that a URL call generates an HTTP request (also shown as HTTP Connection in Fig. 12), and the explicit teaching "a new view (i.e., a window) object is created for each HTTP request" (see c6:57-58), it follows that Anuff teaches "creating a new window for information retrieved in response to a call to a URL from a Web application".

Independent Claim 21 and Dependent Claims 22-23 and 25

Regarding Claim 21, Appellant mentions, "Anuff fails to teach all elements of claim 1." However, in particular, Appellant argues, "While Anuff proposes a modular portal infrastructure or framework, Anuff fails to address any technique for adapting an existing Web application into the proposed portal infrastructure. Thus, Anuff fails to disclose a method for 'converting a Web application to a portal application' in the manner recited by claim 11." This appears to be the same argument that Appellant has argued for claim 1. Therefore, the Examiner disagrees for the same reasoning as explained above with respect to claim 1. For the sake of brevity, the same argument discussed with respect to claim 1 is not repeated here. Appellant argues that Anuff fails to disclose "means for defining at least

one Web flow relationship" and "means for converting said at least one Web flow relationship". It has been already discussed with respect to claim 6 above that Anuff teaches defining at least one Web flow relationship and converting said at least one Web flow relationship (see pages 19-20 above). As for the means, the Brief mentions computer-executable software code executing on a computer to be the means for performing the above functions. Anuff also uses computer-executable software code executing on a computer to perform these functions and therefore anticipates the claim.

For claims 22-23 and 25, Appellant has not provided any additional argument besides what has been already discussed above with respect to claim 21. Therefore, the same argument applies for these claims.

Dependent Claim 24

Dependent claim 24 depends from claim 21. Therefore, the same argument as discussed with respect to claim 21 above also applies to this claim. Appellant further argues, "Anuff further fails to teach modifying business logic of a Web application component to return output as a data-descriptive meta-language document". See page 21 in the Brief. The Examiner disagrees. Anuff clearly mentions, "One of the significant advantages of the portal framework of the present invention is the fact that the resources that are made available to the user via the modules can come from a variety of third-party sources. Consequently, however, the content for the modules may be largely unstructured, which can be problematic when it is to be made available for manipulation and display within the portal. To this end, therefore, a parser

technology is employed for retrieving data from external web sites and various other sources, translating the data into XML, and returning structured results as objects for use by other entities, such as modules." (Emphasis added, see c10:52-62). Therefore applying a parser for translating the data amounts to modifying business logic of Web application components (i.e., third party sources) to return output as data-descriptive meta-language document (i.e., XML). Since the means is said to be computer-executable software code executing on a computer, and the parser is clearly a computer-executable software code executing on a computer, Anuff anticipates the claimed limitation.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section (9) above. Accordingly, appellant must within TWO MONTHS from the date of this answer exercise one of the following two options to avoid sua sponte dismissal of the appeal as to the claims subject to the new ground of rejection:

(1) Reopen prosecution. Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment,

affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) Maintain appeal. Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Respectfully submitted,

/Rashedul Hassan/

Examiner, Art Unit 2179

Art Unit: 2179

A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth in section (9) above by signing below:

/Meng-Ai An/

Acting Director TC 2100

Conferees:

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179

/Ba Huynh/

Primary Examiner, Art Unit 2179